IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital the August 30, 2006
Criminal Bail application no. 801 of 2006
Order on bail application of accused

CRIMINAL SIDE

Rajkumar S/o Basanta
R/o Village Rampur, Raighati
P.S. Laksar
District Haridwar .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of Case Crime No. 523 of 2006
Under Section 363, 366, 376 I.P.C.
P.S. Kotwali City Haridwar
District Haridwar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail case Crime No. 523 of 2006 under Section 363, 366. 376 I.P.C., P.S. Kotwali City Haridwar, District Haridwar.

Heard Sri Parikshit Saini, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

Perusal of the First Information Report shows the specific allegations made against the applicant. The medical examination report of the prosecutrix further reveals that the age of the prosecutrix was found between 12 to 14 years at the time of the occurrence.

Learned counsel for the applicant has submitted that it is a case of consent.

I fail to appreciate the argument advanced by the learned counsel for the applicant, as keeping in view the age of the prosecutrix, the consent becomes immaterial.

Having considered the material available before me at this state, I do not find it a fit case for bail at this stage.

Accordingly, the bail application is rejected.

(B.C. Kandpal, J.)

30.08.2006
ASWAL